

REMARKS

Claims 1-26 are pending in the present application. In the Final Office Action mailed January 11, 2008, the Examiner rejected claims 1-7, 10-18, and 23-26 under 35 U.S.C. §103(a) as being unpatentable over Neville et al. (USP 6,272,636) in view of Leovac (USP 6,668,375). The Examiner next rejected claims 8 and 9 under 35 U.S.C. §103(a) as being unpatentable over Neville et al. and Leovac as applied to claim 1, and in further view of Linden et al. (USP 6,360,254). Claim 19 was rejected under 35 U.S.C. §103(a) as being unpatentable over Neville et al. and Leovac as applied to claim 18, and in further view of Earnest (USP 4,888,798). Claims 20-22 were rejected under 35 U.S.C. §103(a) as being unpatentable over Neville et al. and Leovac as applied to claim 18, and in further view of Oki et al. (USP 6,115,471).

In substantively rejecting claim 1 under §103, the Examiner cited Neville et al. as teaching all elements of the claim except those elements concerning the requested/enabled “option.” In the Decision on Appeal of 05/09/06, the Board confirmed that Neville et al. does not teach the claimed elements regarding options. *Decision*, 05/09/06, pgs. 14-15. Therefore, the Examiner cited Leovac as teaching this claimed limitation. In a previous response filed March 26, 2007, Applicant filed a Declaration under 37 C.F.R. § 1.131 antedating the Leovac reference. A Petition Under §1.183 to allow for filing of the Declaration under §1.131 without the signatures of all inventors was also filed. However, in the Final Office Action mailed January 11, 2008, the Examiner states that the Declaration Under 37 C.F.R. § 1.131 filed March 26, 2007 “is not sufficient to overcome the rejection to claims 1-26 as the Applicant has not established diligence.” *Final Office Action*, January 11, 2008, p. 2.

In response to the Examiner’s refusal of the Declaration under 37 C.F.R. § 1.131 filed March 26, 2007, a renewed Declaration Under 37 C.F.R. § 1.131 is filed concurrently herewith. This renewed declaration sets forth Exhibits A-D proving conception and diligence in reducing the invention to practice per the requirements of 37 C.F.R. § 1.131. In view of the renewed declaration, Leovac should no longer be available as prior art, and as such Applicant believes that a *prima facie* case of obviousness has not been made. Accordingly, Applicant respectfully requests withdrawal of the §103 rejection of claim 1 and all claims depending therefrom.

Therefore, in light of at least the foregoing, Applicant respectfully believes that the present application is in condition for allowance. As a result, Applicant respectfully requests timely issuance of a Notice of Allowance for claims 1-26.

Applicant hereby authorizes charging of Deposit Account No. 50-2402 for any additional fees associated with entering the aforementioned claims.

Applicant appreciates the Examiner's consideration of these Amendments and Remarks and cordially invites the Examiner to call the undersigned, should the Examiner consider any matters unresolved.

Respectfully submitted,

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Dated: May 12, 2008
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General Authorization and Extension of Time

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-2402. Should no proper payment be enclosed herewith, as by credit card authorization being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-2402. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extensions under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-2402. Please consider this a general authorization to charge any fee that is due in this case, if not otherwise timely paid, to Deposit Account No. 50-2402.

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